

Message Text

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PAGE 01 BUENOS 05165 061942Z

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FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC PRIORITY 6651

UNCLAS BUENOS AIRES 5165

ATTN: VO/RLD

E.O. 11652: N/A

TAGS: CVIS, AR

SUBJ: ILLEGITIMATE CHILDREN OF FATHERS UNDER SECTION 101(B)

(1)(B)-22 CFR 42.1, NOTE 2.3

REF: STATE 188437

1. BUENOS AIRES HAS HAD NO RPT NO CASES AS DESCRIBED IN
PARA 4 REFTEL DURING PAST YEARS. RESPONSES TO PARAS 5 AND 6
REFTEL ACCORDINGLY LIKEWISE NEGATIVE.

2. IN ARGENTINA, PATERNAL RELATIONSHIP TO ILLEGITIMATE CHILD
CAN BE ESTABLISHED EITHER WHEN BIRTH OF CHILD IS REPORTED TO
CIVIL REGISTRY, OR AFTERWARD. IN FIRST CASE, FATHER'S DECLARATION
OF PATERNITY TO CIVIL REGISTRY (ALONG WITH CERTIFICATE FROM
DOCTOR OR MIDWIFE WHO DELIVERED CHILD WHICH NAMES BOTH
PARENTS) IS SUFFICIENT FOR CIVIL REGISTRY TO ISSUE BIRTH
CERTIFICATE THAT NAMES FATHER. DECLARATION OF PATERNITY RPT
PATERNITY BY MOTHER RPT MOTHER IS NOT RPT NOT ACCEPTABLE FOR
THIS PURPOSE BY CIVIL REGISTRIES. IN SCND CASE, WHEN
PATERNITY NOT DECLRED BY FATHER AS ABOVE AND BIRTH
CERTIFICATE ISSUED WITHOUT NAMING FATHER, PATERNITY CAN
BE ESTABLISHED BY COURT ORDER. WITH COURT ORDER,
CIVIL REGISTRY ISSUES AMENDED BIRTH CERTIFICATE SHOWING
PATERNITY. COURT ORDER ALSO REQUIRED FOR BIRTH REGISTRA-
TIONS UNDULY DELAYED.

3. FIRST PROCEDURE, DECLARATION OF FATHER AT REGISTRATION

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PAGE 02 BUENOS 05165 061942Z

OF BIRTH OF ILLEGITIMATE CHILD, RATHER COMMON IN ARGENTINA,

WHERE THERE NO DIVORCE. INCIDENCE HIGH HERE OF COUPLES
LIVING TOGETHER AS MAN AND WIFE WHO CAN NOT MARRY OR WHOSE
FOREIGN MARRIAGES NOT RECOGNIZED BY ARGENTINA BECAUSE
AT LEAST ONE OF THE PARTNERS IS ONLY SEPARATED (LEGALLY)
FROM FORMER SPOUSE. (ARGENTINE LEGAL SEPARATION IS CALLED
A "DIVORCIO" AND THIS OFTEN LEADS FOREIGN JURISDICTIONS
TO ASSUME IT IS FULL DIVORCE AND THAT BEARER CAN REMARRY.

4. EMBASSY WOULD EXPECT NO HIGHER A LEVEL OF FRAUD IN
BIRTH CERTIFICATES IN THESE CASES THAN THAT MET NOW IN OTHER
CASES. WHENEVER FRAUD SUSPECTED, HOWEVER, EMBASSY COULD
INSIST ON SEEING IN ADDITION TO BIRTH CERTIFICATE (A) COURT
ORDER, (B) EVIDENCE THAT WAS PRESENTED TO COURT TO OBTAIN
COURT ORDER, AND (C) BLOOD TESTING OF BOTH PARTIES TO SEE
IF CLAIMED RELATIONSHIP POSSIBLE. BIRTH CERTIFICATE DOES
NOT REVEAL ILLEGITIMACY. ABSENCE OF MARRIAGE CERTIFICATE
HOWEVER, OR PRESENTATION OF FOREIGN MARRIAGE CERTIFICATE
BY ARGENTINE CITIZENS HAS BEEN AND WOULD CONTINUE TO BE
SIGNAL TO CONSULAR OFFICER THAT CASE INVOLVES ILLEGITIMACY
AND THAT SPECIAL CARE SHOULD BE GIVEN IN EXAMINING THE
PATERNAL RELATIONSHIP CLAIMED.
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